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IV

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,235	06/14/2001	Akira Enokihara	5077-000055	7554
27572	7590	11/17/2003	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				TAKAOKA, DEAN O

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/881,235	ENOKIHARA ET AL.
	Examiner	Art Unit
	Dean O Takaoka	2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 October 2003.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 6-12 is/are allowed.
 6) Claim(s) 1-5 and 13-16 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 28 April 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 – 11, and 13 – 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishikawa et al. (US Patent No. 4,639,699) for reasons of record contained in the previous office action dated June 23, 2003.

Claims 1 and 13:

Claims 1 and 13 have been amended to include “made of a dielectric ceramic material”.

It is the position of the Examiner that the amendment of claim 1 adds no patentable subject matter to the claim and remains anticipated by Nishikawa et al.

Nishikawa et al. shows the dielectric resonators such as shown in Fig. 15 and further disclosing resonant electromagnetic modes such as the TM mode (col. 11, line 2), thus the dielectric resonators inherently being ceramic where the term “ceramic” is well-known in the art as a generic label for a plurality of dielectric material compositions.

Claims 3 – 5 and 13 – 15:

Have not been amended and remain rejected by Nishikawa et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. and El-Sharawy (U.S. Patent No. 6,169,467) for reasons of record contained in the office action dated July 16, 2002.

Claim 2:

Has not been amended and remain rejected by Nishikawa et al. and El-Sharawy.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. and Liang et al. (U.S. Patent No. 5,805,033) for reasons of record contained in the office action dated July 16, 2002.

Claim 16:

Has not been amended and remain rejected by Nishikawa et al. and Liang et al.

Allowable Subject Matter

Claims 6 – 12 are allowed.

Claim 6:

Nishikawa et al. does not show "the conductive foil sheet extends outwardly to the outer edge of the case, and is in electrical contact with the case body" where the conductive sheet is "sandwiched between the elastic layer and the case body".

Claim 12:

Reasons for allowable subject matter of claim 12 is discussed in the previous office action dated July 23, 2003.

Response to Arguments

Applicant's arguments filed November 2, 2003 have been fully considered but they are not persuasive.

Claims 1 and 13:

While the prior office action recited Nishikawa et al. using air, Nishikawa et al., shows a plurality of embodiments which comprise not only air but ceramic resonant components as well. In particular Fig. 15 shows a cavity that is substantially filled with dielectric material other than air such as ceramic, where the use of ceramic is acknowledged in the Applicant's arguments.

While the value of the specific dielectric constants is not recited by Nishikawa et al., it is well-known in the art that "ceramic" dielectric material is a generic term which may cover a wide range of permittivity (ϵ_0), permittivity also disclosed by Nishikawa et al. With respect to the discussion of temperature characteristics, the Examiner regards this discussion moot since characteristics with respect to temperature is not commensurate with what is being claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

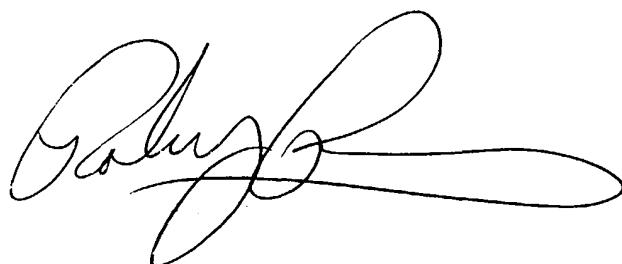
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean O Takaoka whose telephone number is (703) 305-6242. The examiner can normally be reached on 8:30a - 5:00p Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (703) 308-4909. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

dot
November 7, 2003

A handwritten signature in black ink, appearing to read "Robert Pascal".